

Docket No.: 04280/1201643-US2

(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Nils Lonberg et al.

Application No.: 08/728,463

Confirmation No.: 2701

Filed: October 10, 1996

Art Unit: 1644

For: TRANSGENIC NON-HUMAN ANIMALS FOR

PRODUCING HETEROLOGOUS

ANTIBODIES

Examiner: P. J. Nolan

REQUEST TO CORRECT INVENTORSHIP UNDER 37 CFR §1.48(a)

Mail Stop Amendment Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Dear Commissioner:

Applicants respectfully request correction of the inventorship of the above-identified non-provisional patent application. The inventive entity originally identified in the above-identified application as Nils Lonberg and Robert Kay was in error. The the actual inventive entity of the present invention is Nils Lonberg, Robert Kay, and <u>Dianne M. Fishwild</u>. The error in naming the original inventive entity arose without any deceptive intention on the part of Dianne M. Fishwild who through an inadvertent error was not named as an inventor. As required under 37 C.F.R. §1.48(a), this request is accompanied by:

(a) Statement of Dianne M. Fishwild, stating that the error in inventorship in the above-identified application arose through error and without deceptive intention on her part;

Request to Correct Inventorship under 37 CFR 1.48(a)

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Docket

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(b) Consent of Assignee from an authorized officer for GenPharm International, Inc., the

current assignee of this application, consenting to the change of inventorship, including

Statement under 37 C.F.R. § 3.73(b);

(c) Declaration by Nils Lonberg, Robert Kay, and Dianne M. Fishwild as required under

37 C.F.R. §1.63;

(d) Copy of Assignment from Dianne M. Fishwild to GenPharm International, Inc.; and

(e) Processing fee of \$130.00 required under 37 C.F.R. §1.17(i) in the form of a check.

(The Commissioner is authorized to charge any deficiency or credit any excess in this fee to

Deposit Account No. 04-0100.)

Applicants respectfully request correction of the inventorship and the issuance of a

Corrected Filing Receipt listing all inventors.

Respectfully submitted,

Dated: May 16, 2005

Jeffrey C. Repe

Registration No.: 46,985

DARBY & DARBY P.C.

P.O. Box 5257

New York, New York 10150-5257

(206) 262-8900

(212) 527-7701 (Fax)

Attorneys/Agents For Applicant

Enclosures as noted



Docket No.: 04280/1201643-US2

(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Nils Lonberg and Robert M. Kay

Application No.: 08/728,463

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For: TRANSGENIC NON-HUMAN ANIMALS FOR

Examiner: P. J. Nolan

PRODUCING HETEROLOGOUS

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DECLARATION OF NILS LONBERG, ROBERT M. KAY AND DIANNE M. FISHWILD

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Dear Commissioner:

We, Nils Lonberg, Robert M. Kay and Dianne M. Fishwild, declare and state that:

- 1. We are the joint inventors in the above-identified patent application.
- 2. We are co-authors, along with Susan L. O'Donnell, Tasha Bengoechea, Debra V. Hudson, Fiona Harding, Susan L. Bernhard, Debbie Jones, Kay M. Higgins and Stephen R. Schramm, of the article entitled "High-avidity human IgGk

Declaration of Lonberg, Kay and Fishwild Application No.: 08/728,463

> monoclonal antibodies from a novel strain of minilocus transgenic mice," Nature Biotechnology 14:845-851, July 1996 (hereinafter "Fishwild et al. article").

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- 3. We are familiar with the development of the subject matter described in the Fishwild et al. article.
- 4. In our laboratory under our direction and supervision, Susan L. O'Donnell, Tasha Bengoechea, Debra V. Hudson, Fiona Harding, Susan L. Bernhard, Debbie Jones, Kay M. Higgins and Stephen R. Schramm, assisted in experiments associated with the Fishwild et al. article.
- 5. As a result of the participation and capacities recited in paragraph 4 above, the substance of the Fishwild et al. article was the work of only us.
- 6. We further declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that the making of willfully false statements and the like is punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and may jeopardize the validity of any patent issuing from this patent application.

Dated this <u>287</u> day of <u>April</u>, 2005.

Declaration of Lonberg, Kay and Fishwild Application No.: 08/728,463

Dated this 19th day of April, 2005.

Docket No.: 04280/1201643-US2

Robert M. Kay

Dated this ______ day of ______, 2005.

Dianne M. Fishwild

DARBY & DARBY P.C. P.O. Box 5257 New York, New York 10150-5257 (206) 262-8900 (212) 753-6237 (Fax) Attorneys/Agents For Applicant

→ Fax 15105761509 ② 002/004 p.2

Declaration of Lonberg, Kay and Fishwild Application No.: 08/728,463

Docket No.: 04280/1201643-US2

Dated this ______ day of ______, 2005.

Robert M. Kay

Dated this 16 th day of May, 2005.

Midnus M. Listuill

Dianne M. Fishwild

DARBY & DARBY P.C.
P.O. Box 5257
New York, New York 10150-5257
(206) 262-8900
(212) 753-6237 (Fax)
Attorneys/Agents For Applicant



Docket No.: 04280/1201643-US2 (PATENT)

STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Nils Lonberg et al.

Application No.: 08/728,463

Filed: October 10, 1996

For: TRANSGENIC NON-HUMAN ANIMALS FOR

PRODUCING HETEROLOGOUS

ANTIBODIES

Confirmation No.: 2701

Art Unit: 1644

Examiner: P. J. Nolan

STATEMENT OF DIANNE M. FISHWILD

I, Dianne M. Fishwild, declare that I am a joint inventor of an invention entitled "TRANSGENIC NON-HUMAN ANIMALS FOR PRODUCING HETEROLOGOUS ANTIBODIES," as described and claimed in the specification and claims of U.S. Patent Application No. 08/728,463, which was filed in the U.S. patent and Trademark Office on October 10, 1996.

I declare that the error in inventorship in the above-identified application occurred without any deceptive intention on my part.

Dianne M. Fishwald

Fishwald

Fishwald

Dianne M. Fishwald

I certify that I know or have satisfactory evidence that Dianne M. Fishwald is the person who appeared before me, and said person acknowledged that she signed this instrument and acknowledged it to be her free and voluntary act for the uses and purposes metioned in the instrument. Dated: 5/9/05
Signature of Notary Public: Bongoli
Printed Name: 5.800 (ACI)

My appointment expires: Aug 26 L00)

J. BENGALI Commission # 1436550 Notary Public - California Santa Clara County ty Comm. Expires Aug 26, 2007



Docket No.: 04280/1201643-US2 (PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of: Nils Lonberg et al.

Application No.: 08/728,463

Filed: October 10, 1996

For: TRANSGENIC NON-HUMAN ANIMALS FOR Examiner: P. J. Nolan

PRODUCING HETEROLOGOUS

ANTIBODIES

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CONSENT OF ASSIGNEE AND STATEMENT UNDER 37 C.F.R. § 3.73(b) FOR REQUEST TO CORRECT INVENTORSHIP UNDER 37 C.F.R. § 1.48(a)

GenPharm International, Inc. hereby consents to the correction of the inventorship of the above-referenced patent application to add inventor Dianne M. Fishwild as co-inventor with Nils Longberg and Robert Kay, as requested in the Request to Correct Inventorhip under 37 C.F.R. § 1.48(a) and filed herewith.

The undersigned hereby declares that GenPharm International, Inc., a corporation, is the assignee of the entire right, title, and interest in the patent application identified above by virtue of a chain of title from the inventors of the patent application identified above, to the current assignee, as shown below:

- From: Nils Lonberg and Robert Kay, To: GenPharm International, Inc. The document was recorded in the United States Patent and Trademark Office on March 24, 1997 at Reel 8418, Frame 0102;
- From: Dianne M. Fishwild, To: GenPharm International, Inc. A copy of this document is attached.

2003/003 2003

Consent of Assignee Application No. 08/728,463

Docket No. 04280/1201643-US2

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

GenPharm International, Inc.

5/13/05

Date

By: W. Bradford Middle Kauff

Its: Senior Vice President and General Counsel

Title

Telephone Number: <u>609-430-2880</u>

PTO/SB/96 (08-03)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE teduction Act of 1995 to persons are required to respond to a collection of information unless it displays a valid OMB control number. Under the Paperwork

	TRAPEN	STATEMENT	UNDER 37 CFR 3.73(b)	!
Applicar	nt/Patent Owner:	Nils Lonberg et al.		
Applicat	tion No./Patent No.:	08/728,463	Filed/Issue Date:	October 10, 1996
Entitled:	TRANSGENIC	NON-HUMAN ANIMAL	S FOR PRODUCING HETER	OLOGOUS ANTIBODIES
	GenPharm Intern	national, Inc.	acor	poration intership, university, government agency, etc.)
(Name	e of Assignee)		(Type of Assignee, e.g., corporation, pa	rtnership, university, government agency, etc.)
states th	nat it is:			
1. X	the assignee of t	he entire right, title, and	interest; or	•
2.	an assignee of le	ess than the entire right,	title and interest	
			hip interest is %	
in the pa		tent identified above by		
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B. []	A chain of title from	n the inventor(e) of the	patent application/patent iden	tified chave to the aurent
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The und	dersigned (whose tit	le is supplied below) is a	authorized to act on behalf of	the assignee.
	11/17/04		W. Bradford M	idille Kruff
	Date	<u> </u>		printed name
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PTO/SB/01 (09-04)

Approved for use through 07/31/2006. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE are required to respond to a collection of information unless it contains a valid OMB control number. Under the Paperwork Red Attomey Docket Number 04280/1201643-US2

the national or PCT international filing date of the continuation-in-part application. I hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or (f), or § 365(b) of any foreign application(s) for pate inventor's or plant breeder's rights certificate(s), or § 365(a) of any PCT international application which designated at least of country other than the United States of America, listed below and have also identified below, by checking the box, any foreign.	DEAL ADATIO	N 500 HTH ITY							
Declaration Submitted Su									
Declaration Submitted With Initial PR Filing (surcharge (37 CFR 1.16 (e)) required) I hereby declare that: Each inventor's residence, mailing address, and citizenship are as stated below next to their name. I believe the inventors named below to be the original and first inventors of the subject matter which is claimed and for which a patent is sought on the invention entitled: TRANSGENIC NON-HUMAN ANIMALS FOR PRODUCING HETEROLOGOUS ANTIBODIES (Title of the invention) the specification of which is attached hereto OR X was filed on (MM/DD/YYYY) 10/10/1996 as United States Application Number or PCT International Application Number 08/728,463 and was amended on (MM/DD/YYYY) (if applicable I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, amended by any amendment specifically referred to above. I acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. §1.56, including continuation-in-part applications, material information which became available between the filing date of the prior application at the national or PCT international filing date of the confunction-in-part application. I hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or (f), or § 365(b) of any foreign application(s) for paten inventor's or plant breeder's rights certificate(s), or § 365(a) of any PCT international application which designated at least ocountry other than the United States of America, listed below and have also identified below, by checking the box, any foreign application or which priority is claimed. Foreign Filing Date Priority Certified Copy Attached				COMPLETE IF KNOWN					
Submitted With Initial OR Filing (surcharge (37 CFR 1.16 (e)) required) I hereby declare that: Each inventor's residence, mailing address, and citizenship are as stated below next to their name. I believe the inventors named below to be the original and first inventors of the subject matter which is claimed and for which a patent is sought on the invention entitled: TRANSGENIC NON-HUMAN ANIMALS FOR PRODUCING HETEROLOGOUS ANTIBODIES I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, amended by any amendment specifically referred to above. I acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. §1.56, including continuation-in-part applications, material ling date of the continuation-in-part applications, material ling date of the continuation-in-part applications, material ling date of the continuation-in-part application which designated at least occurry other than the United States of America, listed below and have also identified below, by checking the box, any foreign application having a filing die before that of the application on which priority is claimed. Prior Foreign Application Foreign Filing Date Prior Foreign Application	(0. 0	Applic	Application Number 08/728,463						
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X was filed on (MM/DD/YYYY) 10/10/1996 as United States Application Number or PCT International Application Number 08/728,463 and was amended on (MM/DD/YYYY) (if applicable I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, amended by any amendment specifically referred to above. I acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. §1.56, including continuation-in-part applications, material information which became available between the filing date of the prior application at the national or PCT international filing date of the continuation-in-part application. I hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or (f), or § 365(b) of any foreign application(s) for pate inventor's or plant breeder's rights certificate(s), or § 365(a) of any PCT international application which designated at least of country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing determination of the application on which priority is claimed. Prior Foreign Application Foreign Filing Date Priority Certified Copy Attacher	is attached hereto								
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DECLARATION — Utility Patent Application							
	dress ted with er Number:	07278			OR Correspondence address below		
Name							
Address							
City			State		ZIP		
Country	Telephone				Fax		
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.							
	NAME OF SOLE OR FIRST INVENTOR: A petition has been filed for this unsigned inventor						
Given Name (first and middle [if any])	Nils			nity Name Surname	Lonberg		
Inventor's Signature	X				Date 04-28-05		
Residence: City Woodside	State	Country United S	States of	America	Citizenship US		
Mailing Address: 168 Bardet Road							
Woodside	oodside State ZIP 940				Country United States of America		
NAME OF SECOND INVENTOR: A petition has been filed for this unsigned inventor							
Given Name (first and middle [if any])	Robert M.	or Surname			Kay		
Inventor's Signature Date							
Residence: City San Francisco	State CA	Country Citi United States of America		America	Citizenship US		
Mailing Address: 2127 Broadway #5							
City San Francisco CA Zi			94115		Country United States of America		
X Additional inventors or a legal representative are being named on the supplemental sheet(s) PTO/SB/02A or 02LR attached hereto.							



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City				State)	ZIP		
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and belief a statements	are believed to be true; a	nd further that unishable by fin	these sta e or impris	temer onme	nts were mad nt, or both, u	I that all statements made on information de with the knowledge that willful false nder 18 U.S.C. 1001 and that such willful nereon.		
NAME OF S	OLE OR FIRST INVENTOR	!:			A petition l	nas been filed for this unsigned inventor		
Given Name (first and midd	ie [if any])	Nils			amily Name or Surname	Lonberg		
Inventor's Signature				·		Date		
Residence: Ci	ly Woodside	State CA	Country United S	States	of America	Citizenship US		
Mailing Address:								
City	Woodside	Woodside CA State 2IP 94062		62	Country United States of America			
NAME OF S	ECOND INVENTOR:				A petition I	nas been filed for this unsigned inventor		
Given Name (first and middle [if any]) Robert					Family Name Kay			
Inventor's Signature Date 4/19/05								
		United States of America Citizenship / US		Citizenship / US				
Mailing Address: 2127 Broadway #5								
San Francisco State ZIP 94115					15	Country United States of America		
X Additional inventors or a legal representative are being named on the supplemental sheet(s) PTO/SB/02A or 02LR attached hereto.								



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DECL	ARATION		NAL INVENT nental Sheet	FOR(S) Page _1_ of _1_	
Name of Additional Joint	Inventor, if any:		A petition	has been filed for this unsigned inventor	
Given Name	(first and middle (if any))	<u>-</u>		Family Name or Surname	
	ianne M.	,		Fishwild .	
Inventor's Signature		wild		Date 5/8/05	
Mountain View Residence: City	CA State	United States Country	of America	US Citizenship	
Mailing Address: 1012 Vars	ity Court				
Mountain View City	CA State	940 Zip	40	United States of America Country	
Name of Additional Joint	Inventor, if any:		A petition	has been filed for this unsigned inventor	
Given Name	(first and middle (if any))			Family Name or Surname	
Inventor's Signature				Date	
Residence: City	State	Country		Citizenship	
Mailing Address:					
City	State	Zip		Country	
Name of Additional Joint	Inventor, if any:		A petition	has been filed for this unsigned inventor	
Given Name	(first and middle (if any))			Family Name or Surname	
1					
Inventor's Signature				Date	
Residence: City	State	Country		Citizenship	
Mailing Address:					
City	State	Zip		Country	
Name of Additional Joint	Inventor, if any:		A petition	has been filed for this unsigned inventor	
Given Name	(first and middle (if any))			Family Name or Surname	
Inventor's					
Signature	·····		-	Date	
Residence: City	State	Country		Citizenship	
Mailing Address:					
City	State	Zip		Country	

ASSIGNMENT

I, Dianne M. Fishwild, a citizen of the United States of America, residing at 1012 Varsity Court, Mountain View, California 94040 (hereinafter "ASSIGNOR"); along with Nils Lonberg and Robert Kay; in consideration of good and valuable consideration, the sufficiency of which and receipt of which are hereby acknowledged, paid to ASSIGNOR by

GenPharm International, Inc.

a corporation organized under the laws of California, located at 521 Cottonwood Drive, Milpitas, California 95035 (hereinafter "ASSIGNEE"), do hereby sell and assign to said ASSIGNEE, its successors and assigns, the below indicated right, title, and interest, throughout the world in and to my Invention entitled:

TRANSGENIC NON-HUMAN ANIMALS FOR PRODUCING HETEROLOGOUS ANTIBODIES

invented by us and described in Patent Application No. 08/728,463, filed on October 10, 1996, in United States of America; and all patents, divisions, reissues, continuations and any extensions thereof and rights of priority therein, said interest being my entire ownership interest in the same, to be held and enjoyed by said ASSIGNEE, its successors, assigns, or other legal representatives, to the full end of the term thereof, as fully and entirely as the same would have been held and enjoyed by me if this assignment and sale had not be made;

And for the consideration aforesaid, I hereby covenant and agree to and with said ASSIGNEE, its successors and assigns, that whenever ASSIGNEE, its counsel or representative, or the counsel or representative of its successors or assigns, shall advise that an amendment to, or a division of, or any other proceeding or action in connection with an application concerning said Invention, including interference proceedings, is lawful and desirable, or that a reissue or continuation or extension of such application or patent issuing therefrom is lawful and desirable, I will sign all papers and drawings, take all rightful oaths and affidavits, and do all acts necessary or required to be done for the procurement of all lawful rights associated with the Invention, or for the reissue or continuation or extension of the same, will do all acts necessary or required to secure in said ASSIGNEE, its successors or assigns, the title to and full benefit of all rights hereby assigned, without charge to said ASSIGNEE or its

successors or assigns, but at its or their expense; and I hereby appoint every present or future officer of said ASSIGNEE as my agent to sign all such papers and to do all such necessary acts on my behalf, to the fullest extent permitted by law;

And I hereby authorize and request the Commission of Patents and Trademarks and any other granting authority to issue any Letters Patent resulting from said Invention and application(s) concerning same to said ASSIGNEE.

I declare under penalty of perjury under the laws of the United States of America, and under penalty of the laws of any other jurisdiction before which this document may be presented, that I have signed this document as my own free act and that all of the foregoing is true and correct.

	Weanie M. Lidevild
	Dianne M. Fishwild
Date: 5/7/05	
United States of America)	
State of CALIFORNIA) ss.	:
State of County	
77-1	
On this day of	,, before me
personally came Dianne M. Fishwild	to me known to be the individual
described in and who executed the foregoing instru	ument, and acknowledged execution
of the same.	
	\mathcal{O} $\sim C$
J. BENGALI	Hongon
Commission # 1436550	Notary Public
Notary Public - California	•
Santa Clara County	
My Comm. Expires Aug 26, 2007	